IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 612 of 1999
in
SPECIAL CIVIL APPLICATIONNo 9182 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KANJIA MANSUKHLAL TRAMBAKLAL
Versus
EXECUTIVE ENGINEER (O & M)

Appearance:
1. LETTERS PATENT APPEAL No. 612 of 1999
MR PH PATHAK for Appellant No.
MR BHARAT T RAO for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE A.L.DAVE

Date of decision: 08/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Against the impugned award dated 27th April, 1988, passed by the Labour Court, Rajkot, in Reference L.C.J. No.370 of 1990 (Old Reference L.C.R. No.1089 of

1986), the present respondent filed Special Civil Application No.9182 of 1998 before this Court. On 18.11.1998, learned Single Judge (Coram: N.N. Mathur, J.) admitted the said petition by issuing Rule and notice was ordered to be issued as to interim relief making it returnable on 18th January, 1999. Meanwhile, interim relief in terms of paragraph 13.B of the writ petition was granted, subject to the provisions of Section 17B of the Industrial Disputes Act. The ad-interim relief was, later on, confirmed by the learned Single Judge (Coram: Miss R.M. Doshit,J.) on 20.4.1999. Aggrieved by that order of confirmation of ad-interim relief, the appellant-workman has filed this Letters Patent Appeal.

2. Civil Application No.4129 of 1999 filed in this Letters Patent Appeal was heard and disposed by a speaking order running into five typed pages by the Division Bench of this Court on 29.11.1999. Once Civil Application No.4129 of 1999 is disposed of by a speaking order, then, in our considered opinion, nothing more is required to be done in this Letters Patent Appeal and, therefore, this appeal deserves to be disposed of in terms of the order dated 29.11.1999, passed in Civil Application No.4129 of 1999, by the Division Bench of this Court. Accordingly, in terms of the order passed by the Division Bench of this Court on 29.11.1999 in Civil Application No.4129 of 1999, this appeal is disposed of.

3. We make it clear that, it will be open to the parties to approach the learned Single Judge taking up the writ petition for early hearing of Special Civil Application No.8182 of 1998.

[B.J. SHETHNA, J.]

[A. L. DAVE, J.]

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